

# **Exhibit D**



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March 17, 2021

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**VIA E-COURTS AND CERTIFIED MAIL**

**Letter Brief in Support of Motion to Declare Property Vacant and Order Sale**

Superior Court of New Jersey  
Chancery Division  
Essex County  
470 Dr. Martin Luther King Jr. Blvd.  
Newark, NJ 07102

**Re: CAF Borrower GS LLC v. Fraleg Group Inc., et al.  
Docket No. SWC-F-001632-20**

The Honorable Judges of the Essex County Chancery Division:

As you are aware, this Firm is counsel to CAF Borrower GS LLC (“**Lender**”). Please accept this letter brief in lieu of a more formal brief. The below facts are discussed in both Lender’s Complaint and Lender’s Motion for Final Judgment, however a brief recitation is instructive.

Lender is the owner and holder of that certain Commercial Promissory Note dated January 23, 2019, in the original principal amount of \$8,000,000.00 (as amended from time to time, the “**Note**,” and the loan evidenced thereby being hereinafter referred to as the “**Loan**”), the original maker of which is Fraleg Group Inc. (“**Borrower**”). In order to secure its obligations owed under the Note, Borrower executed and delivered to Corevest American Finance Lender LLC (“**Original Lender**”) a certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of April 5, 2019 (the “**Mortgage**”), pursuant to which Borrower mortgaged to Lender certain real property known as 112 N. Walnut Street, East Orange, NJ 07017 (the “**Property**”). The Mortgage was duly recorded with the Essex County Register’s Office on April 12, 2019.

The Loan and all related documents executed in connection with or further securing the amounts owed under the Note (the “**Loan Documents**”) were later assigned to Lender, as evidenced by the following: (i) an assignment from Original Lender to CF Corevest Purchaser LLC dated April 17, 2019, and recorded on June 18, 2019 and (ii) an assignment from CF Corevest Purchaser LLC to Lender dated April 17, 2019, and recorded on June 18, 2019.

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Borrower defaulted under the Note, the Mortgage and the other Loan Documents as a result of Borrower's failure to pay the amounts owed under the Note for the months of November and December 2019. As a result of Borrower's default, Lender instituted the instant action on January 30, 2020, filing an Amended Complaint on September 17, 2020. Borrower never answered or otherwise pled. As a result, Lender filed a Request for Default and Motion for Final Judgment which are currently pending before this Court.

Lender now comes before this Court in an effort to secure its interest in the Property and for an Order that the Property is vacant and that a foreclosure sale of the Property is appropriate. Specifically, Lender seeks an Order from this Court directing the Essex County Sheriff's Office to conduct a foreclosure sale since: (i) the Property is the subject of a commercial loan; (ii) has more than ten (10) apartment units; (iii) is currently vacant; and (iv) does not fall under any residential loan exception. In further support of this request, Lender has also filed a Notice of Motion, Certification of George Younes, Proposed Order, and Certification of Service.

Thank you for your attention to this matter.

Respectfully,



Aaron P. Davis

Cc: All Defendants via Certified and Regular Mail